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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,493	12/31/2003	David C. Hastings	5024-00029	1805
7590	08/28/2006			EXAMINER NGUYEN, HUNG T
Joseph D. Kuborn ANDRUS, SCEALES, STARKE & SAWALL Suite 1100 100 East Wisconsin Avenue Milwaukee, WI 53202			ART UNIT 2612	PAPER NUMBER

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

47

Office Action Summary	Application No.	Applicant(s)	
	10/750,493	HASTINGS, DAVID C.	
	Examiner	Art Unit	
	HUNG T. NGUYEN	2612	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-45 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-14, 17, 21-27, 29-32, 34-37, 39 & 41-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Dempsey et al. (U.S. 6,057,758).

Regarding claim 1, Dampsey discloses a medical monitoring system includes at least two portable electronic devices as first unit (Dr. Jim 100A), second unit (100B), each of them (100A,100B) to be carried by clinician or caregiver or doctor to receive multi physiological notification messages from multi patients (106), each message from the patient monitoring device (106) example as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO₂) measurement (300) are being monitored at all time [figs. 1-3, col.4, lines 40-64, col.5, lines 18-38, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.7, line 63 to col.8, line 8,] comprising:

- each of the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300),

speaker (312), memory (41), five separate buffers for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];

- the portable electronic units (100A,100B) may communicate / contact with the patient monitoring devices (106) have been assigned and other persons via wireless signal [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic devices (100A,100B) are different devices, each of them to be carried by clinicians or caregivers or doctors to receive & retrieve the messages related to physiological conditions of MORE than one patient device (106) from memory [figs. 1-3, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.8, lines 55-60, col.14, lines 13-30].

Regarding claims 2-3, Dampsey discloses the portable electronic device as Dr. Jim (100A) designed to be carried by the clinician or caregiver to receive the notification message from patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO2) measurement (300) are being monitored at all time and transmitted via radio wireless signal & local area network / LAN (102) [figs. 1-3, col.5, lines 18-38, col.6, line 20 to col.7, line 5, col.7, line 63 to col.8, line 8].

Regarding claims 6-8, Dampsey discloses the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers for **receiving the different type notification messages from the multi patients having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45].

Regarding claims 9-12 & 17, Dampsey discloses a method of medical monitoring system includes at least two portable electronic devices as first unit (Dr. Jim 100A), second unit (100B), each of them (100A,100B) to be carried by clinician or caregiver or doctor to receive multi physiological notification messages from multi patients (106), each message from the patient monitoring device (106) example as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO₂) measurement (300) are being monitored at all time [figs. 1-3, col.4, lines 40-64, col.5, lines 18-38, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.7, line 63 to col.8, line 8,] comprising:

- each of the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers for **receiving the different type**

notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];

- the portable electronic units (100A,100B) may communicate / contact with the patient monitoring devices (106) have been assigned and other persons via wireless signal [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic devices (100A,100B) are different devices, each of them to be carried by clinicians or caregivers or doctors to receive & retrieve the messages related to physiological conditions of MORE than one patient device (106) from memory [figs. 1-3, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.8, lines 55-60, col.14, lines 13-30].

Regarding claims 13-14, Dampsey discloses the portable electronic device as Dr. Jim (100A) designed to be carried by the clinician or caregiver to receive the notification message from patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO2) measurement (300) are being monitored at all time and transmitted via radio wireless signal & local area network / LAN (102) [figs. 1-3, col.5, lines 18-38, col.6, line 20 to col.7, line 5, col.7, line 63 to col.8, line 8].

Regarding claims 21-27, Dampsey discloses a method of medical monitoring system includes at least two portable electronic devices as first unit (Dr. Jim 100A), second unit (100B), each of them (100A,100B) to be carried by clinician or caregiver or doctor to receive multi physiological notification messages from multi patients (106), each message from the patient monitoring device (106) example as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO₂) measurement (300) are being monitored at all time [figs. 1-3, col.4, lines 40-64, col.5, lines 18-38, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.7, line 63 to col.8, line 8,] comprising:

- each of the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers **for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];

- the portable electronic units (100A,100B) may communicate / contact with the patient monitoring devices (106) have been assigned and other persons via wireless signal [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic devices (100A,100B) are different devices, each of them to be carried by clinicians or caregivers or doctors to receive & retrieve the messages related

to physiological conditions of MORE than one patient device (106) from memory [figs. 1-3, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.8, lines 55-60, col.14, lines 13-30];

- the first and second portable electronic devices (100A,100B) are different devices which designed to be carried by clinicians or caregivers or doctors is live / receive physiological condition messages in the remote location from the patient monitoring devices (106) via radio wireless signal [figs. 1-3, col.5, lines 18-38, col.6, lines 20- 65, col.7, lines 48-62, col.7, line 63 to col.8, line 8].

Regarding claims 29-31, Dampsey discloses a method of medical monitoring system includes at least two portable electronic devices as first unit (Dr. Jim 100A), second unit (100B), each of them (100A,100B) to be carried by clinician or caregiver or doctor to receive multi physiological notification messages from multi patients (106), each message from the patient monitoring devices (106) example as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO2) measurement (300) are being monitored at all time [figs. 1-3, col.4, lines 40-64, col.5, lines 18-38, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.7, line 63 to col.8, line 8,] comprising:

- each of the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers **for receiving the different type**

notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];

- the portable electronic units (100A,100B) may communicate / contact with the patient monitoring devices (106) have been assigned and other persons via wireless signal [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic devices (100A,100B) are different devices, each of them to be carried by clinicians or caregivers or doctors to receive & retrieve the messages related to physiological conditions of MORE than one patient device (106) from memory [figs. 1-3, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.8, lines 55-60, col.14, lines 13-30];
- the first and second portable electronic devices (100A,100B) are different devices which designed to be carried by clinicians or caregivers or doctors is live / receive physiological condition messages in the remote location from the patient monitoring devices (106) via radio wireless signal [figs. 1-3, col.5, lines 18-38, col.6, lines 20- 65, col.7, lines 48-62, col.7, line 63 to col.8, line 8].

Regarding claims 32 & 34, Dampsey discloses both portable electronic device (100A,100B) designed to be carried by the clinician or caregiver to receive the multi notification messages from the patient monitoring devices (106) example from patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a

current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO2) measurement (300) are being monitored at all time and transmitted via radio wireless signal & local area network / LAN (102) [figs. 1-3, col.5, lines 18-38, col.6, line 20 to col.7, line 5, col.7, line 63 to col.8, line 8]; and

- each of the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers **for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45].

Regarding claims 35-37, Dampsey discloses a medical monitoring system includes at least two portable electronic devices as first unit (Dr. Jim 100A), second unit (100B), each of them (100A,100B) to be carried by clinician or caregiver or doctor to receive multi physiological notification messages from multi patients (106), each message from the patient monitoring device (106) example as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO2) measurement (300) are being monitored at all time [figs. 1-3, col.4, lines 40-64, col.5, lines 18-38, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.7, line 63 to col.8, line 8,] comprising:

- each of the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers **for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic units (100A,100B) may communicate / contact with the patient monitoring devices (106) have been assigned and other persons via wireless signal [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic devices (100A,100B) are different devices, each of them to be carried by clinicians or caregivers or doctors to receive & retrieve the messages related to physiological conditions of MORE than one patient device (106) from memory [figs. 1-3, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.8, lines 55-60, col.14, lines 13-30].

Regarding claims 39 & 41-42, Dampsey discloses a medical monitoring system includes at least two portable electronic devices as first unit (Dr. Jim 100A), second unit (100B), each of them (100A,100B) to be carried by clinician or caregiver or doctor to receive multi physiological notification messages from multi patients (106), each message from the patient monitoring device (106) example as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate

measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO₂) measurement (300) are being monitored at all time [figs. 1-3, col.4, lines 40-64, col.5, lines 18-38, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.7, line 63 to col.8, line 8,] comprising:

- each of the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers **for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic units (100A,100B) may communicate / contact with the patient monitoring devices (106) have been assigned and other persons via wireless signal [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic devices (100A,100B) are different devices, each of them to be carried by clinicians or caregivers or doctors to receive & retrieve the messages related to physiological conditions of MORE than one patient device (106) from memory [figs. 1-3, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.8, lines 55-60, col.14, lines 13-30].

Regarding claims 43-45, Dampsey discloses a method of medical monitoring system includes at least two portable electronic devices as first unit (Dr. Jim 100A), second unit

(100B), each of them (100A,100B) to be carried by clinician or caregiver or doctor to receive multi physiological notification messages from multi patients (106), each message from the patient monitoring devices (106) example as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO₂) measurement (300) are being monitored at all time [figs. 1-3, col.4, lines 40-64, col.5, lines 18-38, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.7, line 63 to col.8, line 8,] comprising:

- each of the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers for receiving the different type **notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic units (100A,100B) may communicate / contact with the patient monitoring devices (106) have been assigned and other persons via wireless signal [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45];
- the portable electronic devices (100A,100B) are different devices, each of them to be carried by clinicians or caregivers or doctors to receive & retrieve the messages related to physiological conditions of MORE than one patient device (106) from memory [figs.

1-3, col.5, line 65 to col.6, line 47, col.7, lines 6-19, col.8, lines 55-60, col.14, lines 13-30

];

- the first and second portable electronic devices (100A,100B) are different devices which designed to be carried by clinicians or caregivers or doctors is live / receive physiological condition messages in the remote location from the patient monitoring devices (106) via radio wireless signal [figs. 1-3, col.5, lines 18-38, col.6, lines 20- 65, col.7, lines 48-62, col.7, line 63 to col.8, line 8].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20, 28 & 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dempsey et al. (U.S. 6,057,758).

Regarding claims 20, 28 & 40, Dempsey does not specifically mention the portable electronic device has a volume of less than 30 cubic inches as claimed by the applicant.

However, Dempsey teaches the first portable electronic device (100A) or the second portable electronic device (100B) can be six inches tall, four inches wide and one-half inch deep [figs. 1-3, col.7, lines 20-33].

Those skilled in the art may recognize that the portable electronic device can be any form or shape or volume, because it is an obvious design choice of the skilled artisan.

5. Claims 4-5, 15-16, 18-19, 33 & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dempsey et al. (U.S. 6,057,758) in view of Quy (U.S. 6,602,191).

Regarding claim 4, The reference of Dempsey does not specifically mention the wireless signal includes an IEEE 802.11 protocol as claimed by the applicant.

However, Dampsey discloses the first portable electronic device as Dr. Jim 100A designed to be carried by the clinician or caregiver to receive the notification message from patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO2) measurement (300) are being monitored at all time and transmitted via radio wireless signal & local area network / LAN (102) [figs. 1-3, col.5, lines 18-38, col.6, line 20 to col.7, line 5, col.7, line 63 to col.8, line 8].

Furthermore, Quy teaches health monitoring persons (24) by wireless signal (10) which includes Bluetooth or 802.11 application for communications [figs.3-4, col.7, lines 8-15]

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Quy in the system of Dempsey to provide short range wireless communication as desired.

Regarding claim 5, Dampsey discloses the first portable electronic device as Dr. Jim 100A designed to be carried by the clinician or caregiver to receive the notification messages from multi patients (106) as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO2) measurement (300) are being monitored at all time and transmitted via radio wireless signal & local area network / LAN (102) [figs. 1-3, col.5, lines 18-38, col.6, line 20 to col.7, line 5, col.7, line 63 to col.8, line 8]; and

- the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers **for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45].

Regarding claims 15-16 & 18-19, The reference of Dempsey does not specifically mention the wireless signal includes an IEEE 802.11 protocol as claimed by the applicant.

However, Dampsey discloses the first portable electronic device as Dr. Jim 100A designed to be carried by the clinician or caregiver to receive the notification messages from multi patients (106) as patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO2) measurement (300) are being monitored at all time and transmitted via radio wireless signal & local area network / LAN (102) [figs. 1-3, col.5, lines 18-38, col.6, line 20 to col.7, line 5, col.7, line 63 to col.8, line 8]; and

- the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers **for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45].

Furthermore, Quy teaches health monitoring persons (24) by wireless signal (10) which includes Bluetooth or 802.11 application for communications [figs.3-4, col.7, lines 8-15]

Therefore, it would have been obvious to one having ordinary skill in the art to employ the teaching of Quy in the system of Dempsey to provide short range wireless communication as desired.

Regarding claims 33 & 38, The reference of Dempsey does not specifically mention the wireless signal includes an IEEE 802.11 protocol as claimed by the applicant.

However, Dampsey discloses the first portable electronic device as Dr. Jim 100A designed to be carried by the clinician or caregiver to receive the notification message from patient's name John Doe (300A), in room # 436A (300B) as a real time ECG waveform (302), a current heart rate measurement (300), a current blood pressure measurement, and a current blood oxygenation (SpO₂) measurement (300) are being monitored at all time and transmitted via radio wireless signal & local area network / LAN (102) [figs. 1-3, col.5, lines 18-38, col.6, line 20 to col.7, line 5, col.7, line 63 to col.8, line 8]; and

- the portable electronic units (100A,100B) having a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45].

Furthermore, Quy teaches health monitoring persons (24) by wireless signal (10) which includes Bluetooth or 802.11 application for communications [figs.3-4, col.7, lines 8-15].

Therefore, it would have been obvious to one having ordinary skill in the art to utilize the teaching of Quy in the system of Dempsey to provide short range wireless communication as desired.

Arguments & Responses

6. Applicant's argument filed on June 30, 2006 have been fully considered but they are moot in view of the new ground(s) of rejection in the following:

Dempsey teaches the portable electronic devices (100A,100B) may receive notification messages from a number of different transfer method in the form of a **processing circuit** includes processor (400), transceiver (404), video (414), audio (416), display (300), speaker (312), memory (41), five separate buffers **for receiving the different type notification messages from the multi patients (106) having radio frequency identification signals, each messages having unique identifier and they are NOT the same** [figs.3-5, col.7, lines 6-19, line 63 to col.8, line 8, col.9, lines 18-55, col.10, lines 8-45].

- the portable electronic devices (100A,100B) are different devices, each of them to be carried by clinicians or caregivers or doctors to receive & retrieve the messages related to physiological conditions of MORE than one patient device (106) from memory [figs. 1-3, col.5, line 65 to col.6, line 47 , col.7, lines 6-19, col.8, lines 55-60, col.14, lines 13-30].

7. In figs. 1-17, filed on 12/31/2004, applicant failed to provide the hardware as first and second wireless receiver coupled to the processing circuit.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jacobsen et al. (U.S. 6,198,394).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung T. Nguyen whose telephone number is (571) 272-2982. The examiner can normally be reached on Monday to Friday from 9:00 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Horabik, Michael can be reached on (571) 272-3068. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

HUNG NGUYEN
PRIMARY EXAMINER



Examiner: Hung T. Nguyen

Date: Aug. 23, 2006